

## **REMARKS/ARGUMENTS**

This Amendment is submitted in reply to the First Office Action dated June 22, 2009. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

### **Summary of the Examiner's objections and rejections**

The abstract stands objected to it contains more than 150 words.

The specification stands objected to because of a grammatical error in paragraph [0004].

Claims 42-43, 53-54 and 64-65 stand objected to because of an informality where the recited term "...among the first second and third management templates" should recite "...among the first, second, and third management templates".

Claims 43-45, 54-56, and 65-67 stand rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 62-72 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 37-72 under 35 U.S.C. § 103(a) as being unpatentable over Black (US 2002/0116485A1) in view of Freese (WO 02/19116A2).

### **Summary of claim amendments**

Applicant has amended claims 42-45, 53-56, 62 and 64-67. No new subject matter has been added.

### **Remarks regarding objected abstract**

The abstract stands objected because it contained more than 150 words. Applicant has amended the abstract to contain less than 150 words. Accordingly, Applicant respectfully requests the removal of this objection.

#### **Remarks regarding objected specification**

The specification stands objected to because of a grammatical error in paragraph [0004]. Applicant has amended the specification's paragraph [0004] to correct the grammatical error. In addition, Applicant has amended the specification's paragraph [0010] to remove claim numbers. Accordingly, Applicant respectfully requests the removal of this objection.

#### **Remarks regarding objected claims**

Claims 42-43, 53-54 and 64-65 stand objected to because of an informality where the recited term "...among the first second and third management templates" should recite "...among the first, second, and third management templates". Applicant has amended claims 42-43, 53-54 and 64-65 to correct this grammatical error. Accordingly, Applicant respectfully requests the removal of this objection.

#### **Remarks regarding the §112 (second paragraph) rejections**

Claims 43-45, 54-56, and 65-67 stand rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection of claims 43, 54 and 65 since it is clear that the "management access template" is not the same as the "another selected management access template". In addition, Applicant has amended claims 44-45, 55-56 and 66-67 to correct the antecedent error. Accordingly, Applicant respectfully requests the removal of this rejection.

#### **Remarks regarding the §101 rejections**

Claims 62-72 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended independent claim 62 to recite where the "computer program is stored on a data storage in a computer-based apparatus". The support for this amendment can be found on paragraph [0032] in the originally filed

patent application. Accordingly, Applicant respectfully requests the removal of this rejection.

#### **Remarks regarding the §103(a) rejections**

Applicant respectfully traverses the obviousness rejection of pending independent claim 37 in view of Black, Freese or any combination thereof. The pending independent claim 37 recites the following:

37. Apparatus for mediating in management orders between a plurality of origin managers and a plurality of managed devices in a telecommunications system, the management orders intended to execute management operations over the managed devices, comprising:

a communication receiver component arranged to receive a management order from an origin manager;

a management verifier component arranged to determine whether the received management order is an allowed management order by checking whether the management order fits an access attribute comprised in a management access template, the management access template being one selected from the group consisting of: a first management access template in relationship with an identifier of the origin manager; a second management access template in relationship with an identifier of a managed data object affected by the management order; and a third management access template in relationship with an identifier of a managed device affected by the management order; and

a communication sender component arranged to send an allowed management order to a managed device.

The claimed apparatus mediates management orders between a plurality of origin managers and a plurality of managed devices. In particular, the claimed apparatus receives a management order from an origin manager and then determines if the received management order is an allowed management order and if it is an allowed management order then the claimed apparatus sends the allowed management order to a managed device. Thus, the claimed apparatus ensures that only the appropriate management operations are executed and, at the same time, alleviates the managed devices from receiving, checking or executing improper management orders (see paragraph [0011] in the patent application). The claimed apparatus's configuration where it is located between origin managers and managed devices and the claimed

apparatus's mediation of management orders are not taught or suggested by the Examiner's closest prior art Black.

Black discloses an Operations Support Services (OSS) client that can be used to provision one or more network devices in one or more networks controlled by one or more network management systems (NMSs). In particular, Black discloses the following:

[0409] Instead of using the GUI to interactively provision services on one network device in real time, a user may provision services on one or more network devices in one or more networks controlled by one or more network management systems (NMSs) interactively and non-interactively using an Operations Support Services (OSS) client and templates. At the heart of any carrier's network is the OSS, which provides the overall network management infrastructure and the main user interface for network managers/administrators. The OSS is responsible for consolidating a diverse set of element/network management systems and third-party applications into a single system that is used, for example, to detect and resolve network faults (Fault Management), configure and upgrade the network (Configuration Management), account and bill for network usage (Accounting Management), oversee and tune network performance (Performance Management), and ensure ironclad network security (Security Management). FCAPS are the five functional areas of network management as defined by the International Organization for Standardization (ISO). Through templates one or more NMSs may be integrated with a telecommunication network carrier's OSS.

(see paragraph [0409])

Black does not disclose any device that reads-on the claimed apparatus which is in a position to mediate management orders between a plurality of origin managers and a plurality of managed devices. Black's NMSs receive the OSS's orders and then forward the OSS's orders to the network devices. However, the NMSs do not "check" the OSS's orders to determine if they are allowed orders before sending orders to the network devices. Instead, Black's OSS provides the "overall network management infrastructure" which indicates that the NMSs would not mediate the OSS's orders before those orders are sent to the network devices. Thus, Black does not disclose or suggest anything related to the claimed apparatus which mediates management orders received from origin managers before sending allowed management orders to the managed devices.

The Examiner stated that "Black does not explicitly disclose a management verifier component arranged to determined whether the received management order is an allowed management order by checking whether the management order fits an access attribute" (see page 8 in the Office Action). This is correct but the Examiner failed to take into account that the claimed management verifier component is arranged to determined whether the received management order is an allowed management order by checking whether the management order fits an access attribute comprised in a management access template. Then, the Examiner contended that Black taught the claimed management access template including: (a) the first management access template in relationship with an identifier of the origin manager; (b) the second management access template in relationship with an identifier of a managed data object affected by the management order; and (c) the third management access template in relationship with an identifier of a managed device affected by the management order. Applicant fails to see how the Examiner can indicate that Black does not teach a main feature (namely the management verifier component) of the present invention but then contend that Black does teach the main feature's secondary aspects (namely the management access template). In fact, the Examiner's logic indicates that they had to use some sort of improper hindsight in an attempt to contend that Black taught the claimed invention.

In any case, the Examiner cited Freese in an attempt to correct Black's defects related to the claimed management verifier component. In particular, the Examiner stated the following:

Freese discloses a management verifier component arranged to determined whether the received management order is an allowed management order by checking whether the management order fits an access attribute (wherein operator initiates sending of instruction from originating management console, containing identity of application to be controlled, and is cryptographically signed for authentication)(Freese, FIG.1-Fig.2, page 5, line 23-page 6, line 9).

(see page 8 in the Office Action)

Applicant submits that Freese is not related whatsoever to the claimed apparatus or the claimed management verifier component. Instead, Freese discloses the following:

A method of managing a wireless device (2), the method comprising installing a management agent program in a memory of the wireless device (2), the installed management agent monitoring the status of application programs installed on the device. Management instructions are sent to the mobile device (2) from a Management Centre (5) using a wireless telecommunications network (1) and, following a receipt of the management instructions at the device, the management agent processes the instructions and manages the applications accordingly. The management agent reports the results of the processing operation to the Management Centre (5) via the wireless telecommunications network (1).

(see abstract).

Freese's method of managing a wireless device includes using a management center to send management instructions via a wireless communications network to a wireless device that has installed therein a management agent program which processes the management instructions. Thus, Freese involves using the wireless device with the installed management agent program to process management instructions. As discussed above, the claimed apparatus (which contains the management verifier component) receives a management order from an origin manager and then determines if the received management order is an allowed management order and if it is an allowed management order then the claimed apparatus sends the allowed management order to a managed device. The claimed managed device does not mediate the management order it only receives allowed management orders from the claimed apparatus. Again, the claimed apparatus (which contains the management verifier component) ensures that only the appropriate management operations are executed and, at the same time, alleviates the managed devices from receiving, checking or executing improper management orders (see paragraph [0011] in the patent application). Hence, Freese's management device and wireless device has absolutely nothing to do with the claimed apparatus or the claimed management verifier component. In view of at least the foregoing, Applicant respectfully submits that

pending independent claim 37 and the corresponding dependent claims 38-50 are patentable in view of Black, Freese or any combination thereof.

In addition, Applicant respectfully submits that independent claims 51 and 62 are patentable in view of Black, Freese or any combination thereof. The independent claims 51 and 62 recite the same or similar distinguishing limitations that have been discussed above with respect to independent claim 37. As such, the aforementioned remarks regarding the patentability of independent claim 37 apply as well to independent claims 51 and 62. Accordingly, Applicant respectfully requests the allowance of independent claims 51 and 62 and the corresponding dependent claims 52-61 and 63-72.

### CONCLUSION

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all objections and rejections and issue a Notice of Allowance for pending claims 37-72.

The Commissioner is hereby authorized to charge any fees for this paper and the co-filed information disclosure statement to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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